
STATUTORY INSTRUMENTS

1992 No. 811

**The Registration (Land and Deeds)
(Northern Ireland) Order 1992**

PART II

LAND REGISTRATION

Burdens, etc.

Schedule 6 burdens

19. Paragraphs 3 and 4 of Part II of Schedule 6 to the 1970 Act (Schedule 6 burden not to be registered without the request or concurrence of the registered owner or a court order) shall cease to have effect.

Priority of registered burdens

20. In section 40 of the 1970 Act (under which, subject to exceptions, registered burdens on the same land which, if unregistered, would rank in priority according to the date of their creation instead rank according to the order of entering them in the title register) the words from “which, if unregistered” to “their creation” shall cease to have effect.

Charges on registered land

21.—(1) In paragraph 1 of Part I of Schedule 7 to the 1970 Act (under which a deed of charge by a registered owner must not be a purported conveyance or demise by way of mortgage), the words from “not being” to “by way of mortgage” shall cease to have effect.

(2) That paragraph shall be renumbered as paragraph 1(1), and the following sub-paragraph shall be inserted at the end of it:

“(2) A document purporting to transfer or demise (whether or not subject to defeasance) a freehold or leasehold estate in registered land by way of mortgage shall so far only as it relates to such land be deemed to be a deed of charge of, respectively, that estate or the estate out of which the leasehold estate is purported to be demised, and shall not operate to vest any freehold or leasehold estate in the registered land in the person in whose favour the document is executed.”.

Priority of registered charge for future advances

22.—(1) In section 43(1) of the 1970 Act (priority of registered charge which is expressed to be created to secure future advances) for the words from “Where a registered” to “present advances)” there shall be substituted:

“Where—

- (a) a deed or other instrument creating a registered charge states that the charge is created for the purposes of securing future advances (whether with or without present advances); and
 - (b) the entry in the title register relating to the charge—
 - (i) contains a statement similar to that in paragraph (a); or
 - (ii) otherwise refers to the charge without specifying the amount secured”.
- (2) Paragraph (1) applies only to charges registered after the commencement of this Article.

Deposit of certificate as security

23. The following amendments shall be made in section 50 of the 1970 Act (creation of security by depositing land certificate or certificate of charge):

- (a) in paragraph (a) (under which the deposit is subject to registered burdens and other matters appearing from the register to affect the land), omit the first “to” and after “land” insert “at the date of the deposit mentioned below”;
- (b) in paragraph (b) (under which the deposit is subject to Schedule 5 burdens affecting the land), after “land” insert “at the date of the deposit mentioned below”.